



4/13

PATENT  
Attorney Docket No.: VOSS1110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
George Breier et al.

Application No.: 09/445,201

Filed: December 2, 1999

For: REGULATORY SEQUENCES  
CAPABLE OF CONFERRING  
EXPRESSION OF A HETEROLOGOUS  
DNA SEQUENCE IN ENDOTHELIAL  
CELLS IN VIVO AND USES  
THEREOF

) Group Art Unit: 1633

) Examiner: C. Drabik

) CERTIFICATION UNDER 37 CFR § 1.8

) I hereby certify that the documents referred to as enclosed herein  
) are being deposited with the United States Postal Service as first  
) class mail on this date **March 15, 2001**, in an envelope  
) addressed to: Commissioner for Patents, Washington, D.C. 20231

) Lucille M. Begalla  
(Name of person mailing paper)

) Lucille M. Begalla  
) Signature

Commissioner for Patents  
Washington D.C., 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Requirement for Restriction mailed February 16, 2001,  
Applicant provisionally elects, with traverse, Group I, consisting of Claims 1-11, 13, 14,  
17-24, 34 and 35, drawn to a recombinant DNA molecule or vector comprising the first  
regulatory sequence of the Vascular Endothelial Growth factor (VEGF) receptor-2 (Flk-  
1) gene and heterologous sequences, and a method of inhibiting a vascular disease.

Applicant respectfully requests rejoinder of Groups I and III claims, which are  
linked to define a single inventive concept, *i.e.*, a DNA molecule or vector and use  
thereof in a method for producing a pharmaceutical composition. Applicant submits that  
it would not place an undue burden on the U.S. Patent and Trademark Office to perform a  
search of both Groups I and III, claims 1-11, 13, 14, 17-24, 34, 35, 36, 37 and 39 at one  
time.

**RECEIVED**

MAR 22 2001

TECH CENTER 1600/2900

In Re Application Of:  
George Breier et al.  
Application No. 09/445,201  
Page 2

PATENT  
Attorney Docket No. VOSS1110



No fee is believed to be due regarding the filing of this paper. However, the Commissioner is authorized to charge any fees or credits believed to be due to Deposit Account No. 50-1355.

Respectfully submitted,

Lisa A. Haile, Ph.D.

Reg. No. 38,347

Customer Number 28213

Date 03/15/01

Gray Cary Ware & Freidenrich  
4365 Executive Drive, Suite 1600  
San Diego, California 92121  
Telephone: 858-677-1456  
Facsimile: 858-677-1465

RECEIVED

MAR 22 2001

TECH CENTER 1600/2900